



Granted
 /s/ Johnston, Mary M Jan 28, 2020

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 Transaction ID 64664582
 Case No. N19C-07-046 MMJ

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI,

C.A. No.: N19C-07-046 MMJ

Plaintiff,

v.

ANDREW C. EMERSON,

Defendant.

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*

ORDER

AND NOW, to-wit, this 21st day of January, 2020, after consideration of Plaintiff's Motion seeking Substituted Service pursuant to 10 *Del. C.* § 3104 (d)(4),

IT IS HEREBY ORDERED that Plaintiff shall serve Defendant Andrew C. Emerson by: 1) certified mail to Defendant's insurance company; 2) FedEx (or the like) to Defendant's place of employment; and 3) publication

IT IS FURTHER ORDERED that Defendant retains the right to contest service.

see attached

 JUDGE

This document constitutes a ruling of the court and should be treated as such.

Court Authorizer
Comments:

SO ORDERED BY JUDGE JOHNSTON ON JANUARY 21, 2020.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI,	*	C.A. No.: N19C-07-046 MMJ
	*	
Plaintiff,	*	
	*	
v.	*	
	*	
ANDREW C. EMERSON,	*	
	*	
	*	
Defendant.	*	

PLAINTIFF’S MOTION SEEKING SUBSTITUTED SERVICE

COMES NOW, Catherine Woinski, (“Plaintiff”), by and through her attorneys, Schmittinger and Rodriguez, P.A., and hereby moves this Honorable Court for an Order permitting substituted service by: 1) certified mail on Defendant’s insurance company; 2) FedEx (or the like) to Defendant’s place of employment; and 3) publication, upon Defendant Andrew C. Emerson (“Defendant”). In support thereof, Plaintiff avers the following:

1. This matter involves a motor vehicle collision. See attached police report¹ and Defendant’s disposition of guilt.² The Complaint was filed on July 5, 2019.

2. At the time of the accident, Defendant was on temporary duty at Pat’s Aircraft, LLC, now known as Aloft Aeroarchitects, LLC, in Georgetown,

¹ Ex. A, Police Report.

² Ex. B, Defendant’s Disposition.

Delaware as an independent contractor. Moreover, letters from Chubb Insurance indicate its insured worked at Pat's Aircraft, LLC.³

3. On the day of the accident, Defendant provided an invalid address to the investigative police officer.⁴ In fact, the address provided by Defendant does not exist.

4. Plaintiff searched for Defendant via social media databases and found Defendant's name on Facebook with a picture who she recognized as the Defendant.⁵ This page indicates he is currently living in Dubai.

5. On November 1, 2019, Plaintiff filed a Motion to Extend Time for Service to serve Defendant. This Court granted Plaintiff's Motion on November 15, 2019.⁶

6. Upon information and belief, Defendant resides in Dubai, United Arab Emirates. Defendant's home address is unknown.

7. To assist with the location and service of Defendant in Dubai, Plaintiff retained the services of Process Service Network, LLC. Nelson Tucker is the CEO of Service Network, LLC.⁷ Mr. Tucker is an Associate Member of the American Bar Association, the Los Angeles County Bar Association, and a Qualified Expert

³ See Ex. C, Letters from Chubb Insurance.

⁴ See Ex. A, Page 2.

⁵ See Ex. D, Andrew Emerson Facebook.

⁶ See Ex. E, Order Granting Plaintiff's Motion for Extension of Time.

⁷ See Ex. F, Resume.

Witness for Service of Process.⁸ Process Service Network, LLC has provided services for multiple governmental agencies including the Securities & Exchange Commission, United States Attorney General, Department of Commerce, and numerous state Attorney Generals.

8. Process Service Network, LLC employs Irfan Farooq. On July 5, 2019, Plaintiff filed a Motion requesting the appointment of Irfan Farooq as Special Process Server to attempt service on the Defendant in Dubai. The Motion was granted on July 16, 2019.⁹ Mr. Farooq is an employee of the UAE government. Mr. Farooq has worked for Process Service Network, LLC for eight years and is reliable. At all times in performing the service of process, Mr. Farooq was under Mr. Tucker's control.

9. Through investigative measures, Process Service Network, LLC determined Defendant's place of employment as the Royal Terminal Building at Dubai National Airport.¹⁰ Due to extremely high security at the complex, the Defendant has not been able to be served to date. The specific terminal in which Defendant works is guarded heavily, and even Mr. Farooq was denied access.¹¹

⁸ *Id.*

⁹ See Ex. G, Order Granting Plaintiff's Motion for Special Process Server.

¹⁰ See Ex. H, Email from Nelson Tucker of June 10, 2019; See also, Ex. I, Nelson Tucker's Affidavit of Due Diligence Search.

¹¹ See Ex. J, Email from Nelson Tucker of August 4, 2019; See also, Ex. I, Nelson Tucker's Affidavit of Due Diligence Search.

Furthermore, Mr. Farooq made attempts to summon Defendant from within the airport to sign for mail addressed to Defendant, but this was also disallowed.¹²

10. Process Service Network, LLC provided an Affidavit of Due Diligence Search in attempting to serve the Defendant.¹³ The Affidavit demonstrates Mr. Tucker utilized numerous methods in attempting to locate the Defendant, including but not limited to: social media; online telephone directories; a national database search; and a search of medical facilities and hospitals.¹⁴

11. Defendant disappeared shortly after the accident and cannot be served with process by any of the usual modes of service, thus, Plaintiff seeks a ruling from this Court allowing substituted service by: 1) certified mail to Defendant's insurance company; 2) FedEx (or the like) to Defendant's place of employment; and 3) publication.¹⁵

12. Service outside the state, when reasonably calculated to give actual notice, may be made as directed by the Court pursuant to 10 *Del. C.* § 3104 (d)(4).

13. In *Smith*, the Court opined, "When the Defendant involved in an accident, and aware of the possibility of future litigation, submits an address to the public authorities wherein legal process could be served upon him, he is under a

¹² See Ex. K, Email from Nelson Tucker of October 3, 2019.

¹³ See Ex. I, Nelson Tucker's Affidavit of Due Diligence Search.

¹⁴ *Id.*

¹⁵ See Ex. L, Information regarding Mr. Tucker's recommended method for Service by Publication.

continuing duty to keep this address current for a reasonable period time.”¹⁶

Plaintiffs seeks a ruling similar to *Smith* wherein the Court reasoned that the burden of furnishing a forwarding address is relatively negligible compared to the difficulties imposed upon the Plaintiff in her attempt to establish the Defendant's whereabouts by means of independent searches.

14. Moreover, in *Feuchtbaum v Constantini et. al*, the New Jersey Supreme Court held that substituted service should be ordered, and allowed substituted service upon the insurance carrier and regular mail upon the defendant. Similar to the case at bar, in *Feuchtbaum*, the defendant provided an invalid address, left the locale, and did not leave a forwarding address. The *Feuchtbaum* Court reasoned, “it is the Defendant’s own behavior which, so far as we know, will deprive him of notice of the suit if it fails to reach him.”¹⁷ The Court further reasoned, “by its contract, the carrier has the right and the duty to defend any action against the insured. The carrier thus has a representative role, which, though it does not include an express agency to accept service of process, is nonetheless relevant when process cannot otherwise be served upon the insured. Realistically there is more of a chance that defendant will learn of the suit by such service than

¹⁶ *Smith v. Cruz*, 1990 Del. Super. LEXIS 36 (1990), citing *Swift v. Leasure*, Del. Super., 285 A.2d 428, at 430 (1971).

¹⁷ *Feuchtbaum v. Constantini*, 280 A.2d 161, 166 (NJ 1971).

through available alternatives, for the carrier is likely to have an interest in finding him.¹⁸

15. In this matter, the Defendant knew he was involved in a collision; provided an invalid address; left the country and did not leave a forwarding address; did not advise Plaintiff or the police of his whereabouts; and failed to take any apparent steps to keep informed with respect to possible claims against him arising out of the collision. Moreover, the Defendant's insurance company is fully aware of the claims in this case.¹⁹ Thus, service upon the Defendant's insurance company by certified mail, service by FedEx (or the like) to Defendant's place of employment, and service by publication are the best available methods of service.

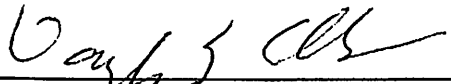
16. Plaintiff acknowledges Defendant retains the right to contest service.

Wherefore, Plaintiff prays that the Court enter an Order permitting substituted service by: 1) service on defendant's insurance company by certified mail; 2) service by FedEx (or the like) to Defendant's place of employment; and 3) service by publication, upon Defendant Andrew C. Emerson.

¹⁸ *Id.* at 166-67.

¹⁹ See Ex. C.

SCHMITTINGER & RODRIGUEZ, ESQUIRE

BY 

DOUGLAS B. CATTS, ESQ. (#361)

DIANNA E. LOUDER, ESQ. (#6301)

414 S. State Street

P.O. Box 497

Dover, DE 19901

(302)-674-0140

Attorneys for Plaintiff

DATED: 1-13-20



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI

*

C.A. No.:

*

Plaintiff,

*

*

v.

*

*

SUMMONS

ANDREW C. EMERSON,

*

*

Defendant.

*

**STATE OF DELAWARE
TO THE SPECIAL PROCESS SERVER:
YOU ARE COMMANDED:**

To summon the above-named Defendant, ANDREW C. EMERSON so that, within 20 days after service hereof, Defendant, exclusive of the day of service, shall serve upon DOUGLAS B. CATTS, ESQUIRE and DIANNA E. LOUDER, ESQUIRE, Plaintiff's attorneys, whose address is 414 South State Street, Dover, Delaware 19901, an Answer to the Complaint (and, if the Complaint contains a specific notation requiring Defendant to answer any or all allegations of the Complaint by affidavit, an affidavit of defense).

To serve upon Defendant a copy hereof and of the Complaint (and of the affidavit of demand if any has been filed by Plaintiff).

Dated: 7-17-19

Kenneth P. Creedon

Prothonotary




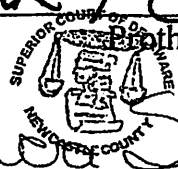

Erica Sharkey

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney named above an Answer to the Complaint (and, if any Affidavit of Demand has been filed, an Affidavit of Defense), judgment by default will be rendered against you for the relief demanded in the Complaint (or in the Affidavit of Demand, if any).



Prothonotary



Per Deputy



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI

*

C.A. No.:

*

Plaintiff,

*

*

v.

*

*

SUMMONS

ANDREW C. EMERSON,

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Defendant.

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To serve upon Defendant a copy hereof and of the Complaint (and of the affidavit of demand if any has been filed by Plaintiff).

Dated: 7-17-19

Kenneth P. Creedon
Prothonotary



Erica [Signature]
Per Deputy



TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney named above an Answer to the Complaint (and, if any Affidavit of Demand has been filed, an Affidavit of Defense), judgment by default will be rendered against you for the relief demanded in the Complaint (or in the Affidavit of Demand, if any).


Prothonotary



Per Deputy

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PROOF OF SERVICE		
SERVED	DATE	PLACE:
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct.

Executed on:

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Superior Court Civil Rule 45, Parts C, D & E:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the Court shall quash or modify the subpoena if it fails to allow reasonable time for compliance,

(i) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(ii) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the Court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(e) Contempt.

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of court.



SUPERIOR COURT
CIVIL CASE INFORMATION STATEMENT (CIS)

COUNTY: NEW CASTLE COUNTY

CIVIL ACTION NUMBER:

<p>CAPTION:</p> <p><u>CATHERINE M. WOINSKI,</u></p> <p>PLAINTIFF,</p> <hr/> <p>v.</p> <hr/> <p><u>ANDREW C. EMERSON,</u></p> <p>DEFENDANT.</p>	<p>CIVIL CASE CODE: <u>CPIA</u></p> <p>CIVIL CASE TYPE: <u>PERSONAL INJURY AUTO</u> (SEE REVERSE SIDE FOR CODE AND TYPE)</p> <p>MANDATORY NON-BINDING ARBITRATION (MNA) <u>NO</u></p> <p>NAME AND STATUS OF PARTY FILING DOCUMENT:</p> <p><u>CATHERINE WOINSKI, PLAINTIFF</u></p> <hr/> <p>DOCUMENT TYPE: (E.G.; COMPLAINT; ANSWER WITH COUNTERCLAIM) <u>COMPLAINT AND RELATED PLEADINGS</u></p> <hr/> <p>JURY DEMANDED: YES <u>X</u> NO <u> </u></p>
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<p>ATTORNEY NAME (S): <u>DOUG CATTS, ESQUIRE</u> <u>DIANNA E. LOUDER, ESQUIRE</u></p> <p>ATTORNEY ID (S): <u>361</u> <u>6301</u></p> <p>FIRM NAME: <u>SCHMITTINGER & RODRIGUEZ, P.A.</u></p> <p>ADDRESS: <u>414 SOUTH STATE STREET</u> <u>DOVER, DE 19901</u></p> <p>TELEPHONE NUMBER: <u>(302) 674-0140</u></p> <p>FAX NUMBER: <u>(302) 674-1830</u></p> <p>E-MAIL ADDRESS: <u>DCATTS@SCHMITTOD.COM</u> <u>DLOUDER@SCHMITTOD.COM</u></p>	<p>IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS:</p> <hr/> <hr/> <p>EXPLAIN THE RELATIONSHIPS (S):</p> <hr/> <hr/> <hr/> <p>OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:</p> <hr/> <hr/> <hr/> <p>(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGE)</p>
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THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER, OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI

*

C.A. No.:

*

Plaintiff,

*

*

v.

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*

PRAECIPE

ANDREW C. EMERSON,

*

*

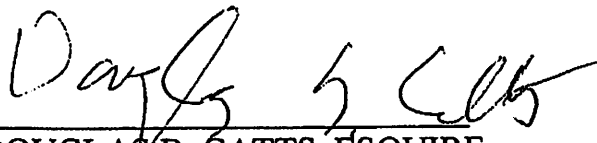
Defendant.

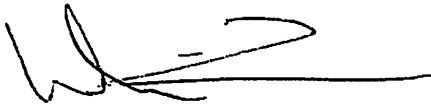
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TO: PROTHONOTARY
New Castle County Courthouse
500 N. King Street
Wilmington, Delaware 19801

PLEASE DOCKET the foregoing action and issue process to be served in accordance with the provisions of 10 *Del. C.* §3104 by Plaintiff's counsel, Schmittinger & Rodriguez, P.A., upon Defendant, ANDREW C. EMERSON, a non-resident operator of a motor vehicle involved in a collision in the State of Delaware, by service outside of Delaware by Nelson Tucker, under the law of the place in which the service is made, Dubai, United Arab Emirates, pursuant to 10 *Del. C.* §3104 (f).

SCHMITTINGER & RODRIGUEZ, P.A.

BY: 
DOUGLAS B. CATTS, ESQUIRE
Bar I.D. #361

BY: 
DIANNA E. LOUDER, ESQUIRE
Bar I.D. #6301
414 S. State Street
P.O. Box 497
Dover, DE 19903
(302) 674-0140
Attorneys for Plaintiff

DATED: 7/5/19



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI

*

C.A. No.:

*

Plaintiff,

*

*

v.

*

*

SUMMONS

ANDREW C. EMERSON,

*

*

Defendant.

*

**STATE OF DELAWARE
TO THE SPECIAL PROCESS SERVER:
YOU ARE COMMANDED:**

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To serve upon Defendant a copy hereof and of the Complaint (and of the affidavit of demand if any has been filed by Plaintiff).

Dated:

Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney named above an Answer to the Complaint (and, if any Affidavit of Demand has been filed, an Affidavit of Defense), judgment by default will be rendered against you for the relief demanded in the Complaint (or in the Affidavit of Demand, if any).

Prothonotary

Per Deputy



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI,

Plaintiff,

v.

ANDREW C. EMERSON,

Defendant.

* C.A. No.:
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*
* COMPLAINT
*
* TRIAL BY JURY
* DEMANDED

1. Plaintiff, Catherine M. Woinski, is a resident of the State of Delaware who resides at 7 Tradewinds Lane, Lewes, Delaware 19958.
2. Upon information and belief, Defendant, Andrew C. Emerson, lives in Dubai, United Arab Emirates.
3. On or about October 4, 2016, Plaintiff was operating a vehicle traveling westbound on Old Orchard Road near Lewes, Delaware. Defendant was operating a vehicle stopped at a stop sign on Parker Lane at its intersection with Old Orchard Road. Defendant failed to remain stopped and entered the roadway, striking the Plaintiff's vehicle.
4. Defendant was negligent and reckless in that he:
 - (a) operated his vehicle in a careless and imprudent manner in violation of 21 Del. C. §4176(a);
 - (b) failed to give full time and attention to the operation of his vehicle in violation of 21 Del. C. §4176(b);

(c) failed to maintain a proper lookout in violation of 21 Del. C. 4176(b);

(d) was inattentive while driving in violation of 21 Del. C. §4176(b);

(e) failed to maintain and control his vehicle; and

(f) failed to remain stopped in violation of 21 Del. C. §4164(b).

5. As a direct and proximate cause of the negligence and carelessness of the Defendant, the Plaintiff has sustained severe and serious injuries and sustained and experienced great pain, suffering and discomfort of the body and mind in the past and will continue to suffer, sustain and experience great pain, suffering and discomfort of the body and mind in the future.

6. As a direct and proximate cause of the negligence and carelessness of the Defendant, Plaintiff has suffered permanent injuries, permanent impairment and disabilities, incurred medical expenses, medical bills, and will continue to incur medical expenses and medical bills in the future.

WHEREFORE, Plaintiff demands judgment against the Defendant for general, special, and punitive damages, including past and future mental and physical pain and suffering, compensation for permanent physical injury, future medical expenses, together with the cost of this action and interest.

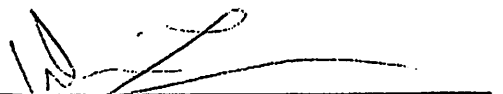
SCHMITTINGER & RODRIGUEZ, P.A.

BY:



DOUGLAS B. CATTS, ESQUIRE
Bar I.D. #361

BY:



DIANNA E. LOUDER, ESQUIRE
Bar I.D. #6301
414 S. State Street
P.O. Box 497
Dover, DE 19903
(302) 674-0140
Attorneys for Plaintiff

DATED:

7/5/19



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI,

Plaintiff,

v.

ANDREW C. EMERSON,

Defendant.

* C.A. No.:
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*
* TRIAL BY JURY
* DEMANDED

AFFIDAVIT PURSUANT TO RULE 3(h)(1)(II)

STATE OF DELAWARE

COUNTY OF KENT

*
* SS:
*

Attorney for Plaintiff, Douglas B. Catts, hereby certifies under oath in accordance with Rule 3(h)(1)(II) that Plaintiff's counsel is in possession of medical records and documentation supporting Plaintiff's personal injury claim. This information will be provided to counsel for Defendant as soon as an answer is filed on their behalf.

SCHMITTINGER & RODRIGUEZ, P.A.

BY: *Douglas B. Catts*
DOUGLAS B. CATTS, ESQUIRE
Bar I.D. #361

BY: *Dianna E. Louder*
DIANNA E. LOUDER, ESQUIRE
Bar I.D. #6301
414 S. State Street
P.O. Box 497
Dover, DE 19903
(302) 674-0140
Attorneys for Plaintiff

DATED: 7/5/19



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI,

Plaintiff,

v.

ANDREW C. EMERSON,

Defendant.

* C.A. No.:
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*
*
* TRIAL BY JURY
* DEMANDED

PLAINTIFF'S ANSWERS TO FORM 30 INTERROGATORIES

Q. 1. Give the name and present or last known residential and employment address and telephone number of each eyewitness to the incident which is the subject of the litigation.

ANSWER: Plaintiff Catherine M. Woinski, 7 Tradewinds Lane, Lewes, Delaware 19958; and Andrew C. Emerson, 1676 Hunters Run, Lewes, Delaware 19958.

Q. 2. Give the name and present or last known residential and employment address and telephone number of each person who has knowledge of the facts relating to the litigation.

ANSWER: In addition to the parties listed in answer number 1, above; employees of Schmittinger & Rodriguez, P.A., as well as Plaintiff's medical providers have knowledge of the facts relating to her injuries. Those medical providers include:

Beebe Medical Center, 424 Savannah Road, Lewes, Delaware 19958;
Tidewater Physical Therapy, One Peddler's Village, Suite A-1, Lewes,
Delaware 19958;
Delaware Neurosurgical Group, P.A., 774 Christiana Road, Suite 202,
Newark, Delaware 19713;
Orthopaedic Associates of Southern Delaware, 17005 Old Orchard Road,
Lewes, Delaware 19958;
Mid-Atlantic Family Practice, 20251 John J. Williams Highway, Lewes,
Delaware 19958;
Christiana Care Health Services, 501 W. 14th Street, Wilmington, Delaware
19801;
Premier PT, 20268 Plantation Road, Lewes, Delaware 19958;
Investigating officers.

Q. 3. Give the names of all persons who have been interviewed in connection with the above litigation, including the names and present or last known residential and employment addresses and telephone numbers of the persons who made said interviews and the names and present or last known residential and employment addresses and telephone numbers of persons who have the original and copies of the interview.

ANSWER: Counsel has interviewed Plaintiff. The interview is privileged.

Q. 4. Identify all photographs, diagrams or other representations made in connection with the matter in litigation, giving the name and present or last known residential and employment address and telephone number of the person having the original and copies thereof. (In lieu thereof, a copy can be attached.)

ANSWER: Counsel for Plaintiff is in possession of 11 color copies of photographs of the Plaintiff's injuries and 6 color copies of photographs of the damage to the vehicle.

Q. 5. Give the name, professional address and telephone number of all expert witnesses presently retained by the party together with the dates of any written opinions prepared by said expert. If an expert is not presently retained, describe by type the experts whom the party expects to retain in connection with the litigation.

ANSWER: No expert witness has been retained to date but it is anticipated that the health care providers identified in Interrogatory No. 2 will be called to testify at trial.

Q. 6. Give a brief description of any insurance policy, including excess coverage, that is or may be applicable to the litigation, including:

- a. The name and address of all companies insuring the risk;
- b. The policy number(s);
- c. The type of insurance;
- d. The amounts of primary, secondary and excess coverage.

ANSWER: PIP Insurance: State Farm, P.O. Box 106170, Atlanta, GA 30348 Insured: John Woinski; Policy No.: 0079353C1808D, Claim No: 08-991X-911; Defendant's Liability Insurance: Chubb insurance, P.O. Box 4700, Chesapeake, VA 23327; Insured: Enterprise, Policy No.: 70207517, Claim No.: 040516061007.

Q. 7. Give the name, professional address, and telephone number of all physicians, chiropractors, psychologists, and physical therapists who have examined or treated you at any time during the ten year period immediately prior to the date of the incident at issue in this litigation.

ANSWER:

Beebe Medical Center, 424 Savannah Road, Lewes, Delaware 19958;


Mid-Atlantic Family Practice, 20251 John J. Williams Highway, Lewes,
Delaware 19958;

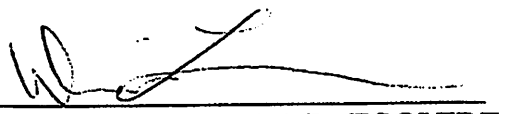
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DATED: 7/5/19



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI,

Plaintiff,

v.

ANDREW C. EMERSON,

Defendant.

* C.A. No.:
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*
*
*
*
* TRIAL BY JURY
* DEMANDED

PLAINTIFF'S INTERROGATORIES DIRECTED TO DEFENDANT

Q. 1. State the names, social security numbers, and last known addresses of all persons who were present at the scene of the accident when it occurred, specifically noting those who were eyewitnesses.

Q. 2. Other than the persons referred to in the immediately foregoing interrogatory, state the names, social security numbers, and last known addresses of all persons who arrived at the scene of the accident within fifteen (15) minutes after it occurred.

Q. 3. Other than the persons who are referred to in the two (2) immediately foregoing interrogatories, state the names, social security numbers, and last known addresses of all persons who have knowledge of the facts concerning how the accident occurred.

Q. 4. Other than the person referred to in the three (3) immediately foregoing interrogatories, state the names, social security numbers, and last known addresses of all persons having knowledge of the

facts alleged in the pleadings and, as to each person, identify the numbers of the paragraphs of the complaint, answer, or other pleading of which such person has knowledge.

Q. 5. State whether subsequent to or contemporaneously with the time of the accident you or any person acting on your behalf has taken any photographs, videotapes, or motion pictures or made any sketches, plats, diagrams, or other drawings of the facts or items referred to in the pleadings.

Q. 6. If so, as to each, state:

- (a) The nature of each;
- (b) By whom taken or made;
- (c) When taken or made;
- (d) The subject matter portrayed;
- (e) Whether taken or made on your behalf;
- (f) Whether taken or made by your attorney's request;
- (g) The name and last known address of the persons having custody of the original and all copies of such reproduction.

Q. 7. State whether you or anyone acting on your behalf have obtained statements (written, recorded, or oral) from any persons concerning the facts alleged in the pleadings.

Q. 8. If so, as to each such statement, state:

- (a) Whether it was written, recorded, or oral;
- (b) The date thereof;
- (c) The name, social security number, and address of the person from whom obtained;

- (d) If written or recorded, the name and address of each person who has possession of the original and all copies;
- (e) If oral, the name, social security number, and address of each person present when obtained;
- (f) If oral, whether it was in person or by telephone;
- (g) The subject matter thereof.

Q. 9. State the name, social security number, and address of each person who has been interviewed by you or on your behalf concerning the facts alleged in the pleadings, and as to each, state:

- (a) The date of each such interview;
- (b) The name and last known address of each person who has a resume of such interview;
- (c) The location where the interview was conducted;
- (d) The name, last known address, and employer of the person conducting the interview;
- (e) The names, social security numbers, and addresses of all persons present during the interview;
- (f) The subject matter of the interview.

Q. 10. State the names, social security numbers, and last known addresses of all persons who have been contacted, interviewed, or interrogated by you or on your behalf either before or after the commencement of this suit concerning the facts alleged in the pleadings and the subject of this action, other than those listed in the two (2) immediately foregoing interrogatories, and as to each, state:

- (a) The nature of the contact, interview, or interrogation;
- (b) The date thereof;
- (c) The name, social security number, and address of the person making the contact, conducting the interview or interrogation;

- (d) The subject matter of the contact, interview, or interrogation;
- (e) Whether it was recorded in any manner, and if so, what form;
- (f) If recorded in any manner, the method of recordation (written, taped, etc.) and the name and address of each person who has possession of the original and all copies thereof;
- (g) If oral, the name, social security number, and address of each person present at the time of the contact, interview, or interrogation.

Q. 11. State whether you have ever had a conversation with the plaintiff, and if so, as to each, state:

- (a) The date, time, and place thereof;
- (b) The name, social security number, and address of all persons then present;
- (c) The nature of the conversation, i.e., who said what.

Q. 12. Have you, your agent, or representative ever caused to be taken any written, tape-recorded, or court-reported statements of the plaintiff?

- Q. 13. If so, as to each, state:
- (a) The date, time, and location where such statements were made or taken;
 - (b) The manner in which the statements were recorded;

- (c) The names, social security numbers, and addresses of the persons who took the statements;
- (d) The names, social security numbers, and addresses of the persons who were present when such statements were taken;
- (e) The names and addresses of the persons who have possession of the original and all copies thereof;
- (f) The subject matter thereof.

Q. 14. Has the plaintiff in this action ever made any oral or written statements of which you are aware other than those described in the two (2) immediately foregoing interrogatories?

- Q. 15. If so, as to each, state:
- (a) The date, time, and location where such statements were made;
 - (b) If recorded, the manner in which the statements were recorded;
 - (c) If recorded, the names, social security numbers, addresses, and employer of the persons who recorded the statements;
 - (d) The names, social security numbers, and addresses of the persons who were present when such statements were made;
 - (e) If recorded, the names and addresses of the persons who have possession of the original and all copies of such statements;
 - (f) The subject matter thereof.

Q. 16. With reference to any report, memorandum, or resume prepared or received by you or anyone acting on your behalf but not necessarily limited to any investigator, insurance adjuster, medical personnel, or institution pertaining to any of the facts alleged or referred to

in the pleadings, give the date of each such matter in writing, and as to each, state:

(a) The name, social security number, and address of the person or persons who prepared such writing and the name, address, and identity of the employer of such person or persons;

(b) Whether such writing was prepared by you or on your behalf;

(c) Number of pages of such writing;

(d) A general description of such matter in writing, e.g., three-page report of investigator Brown dated February 20, 1976, concerning subsequent remedial action;

(e) Whether such writing was prepared under the supervision of or pursuant to the instructions of your attorney, and if so, the name and address of that attorney;

(f) The names and last known addresses of all persons who have possession of the original and copies of such matter in writing.

Q. 17. State the name and address of every expert retained or employed by you in anticipation of this litigation or preparation for trial, whether or not you expect to call him as a witness at trial, and as to each, state:

(a) The dates of initial employment;

(b) Whether any reports, letters, or other writings were prepared by such persons, and if so:

(1) A brief description thereof;

(2) The date or dates thereof;

(3) The names and addresses of all persons having possession of the original or copies thereof;

(c) Whether such expert also rendered any service in connection with any aspect of any subject matter involved in this litigation, other than in anticipation of litigation or preparation for trial, e.g., giving medical care or treatment.

Q. 18. With reference to any expert you expect to call to testify as a witness at trial, state the name and address of such expert, and as to each, state:

(a) The subject matter on which the expert is expected to testify;

(b) The substance of the facts and opinions to which the expert is expected to testify;

(c) A summary of the grounds for each such opinion;

(d) The nature and extent of the qualifications of such expert, giving educational degrees conferred and the dates thereof, specifying schools or institutions which were attended giving dates thereof, employment experience, any authored articles published, where published, dates thereof, membership in any professional societies or boards.

Q. 19. State whether you or anyone acting on your behalf has received doctors' or hospital reports or records bearing upon plaintiff's injuries.

Q. 20. If so, state:

(a) The names, social security numbers, and last known addresses of the persons making or preparing them;

(b) The dates when they were so made or prepared;

(c) The nature of the reports or records;

(d) At whose request they were prepared;

(e) The name and last known address of the persons who have possession of the originals and all copies thereof.

Q. 21. State whether you or anyone on your behalf has written to or spoken to any doctors, hospitals, or other persons trained in the healing arts or written to or spoken with any person or company who maintains any records concerning the injuries or illnesses or physical condition of the plaintiff, and if so, as to each such request for information, state:

- (a) The name, social security number, and address of the person or institution to whom the request was made;
- (b) The date of the request;
- (c) Whether the request was verbal or in writing;
- (d) The name, social security number, and address of the person making the request;
- (e) A description of the information requested.

Q. 22. At the time of the accident referred to in the complaint, were you covered by any policy of liability insurance?

Q. 23. If so, for each such policy, state:

- (a) The name, principle place of business, and telephone number of the insurer;
- (b) The name, address, and telephone number of the named insured;
- (c) The policy number;
- (d) The effective dates of coverage;
- (e) The types of coverage;
- (f) The amounts of the various coverages;
- (g) The applicable limits of liability.

Q. 24. At the time of the accident referred to in the complaint, were you covered by any policy of reinsurance or excess liability insurance?

Q. 25. If so, for each such policy, state:

- (a) The name, principle place of business, and telephone number of the insurer;
- (b) The name, address, and telephone number of the named insured;
- (c) The policy number;
- (d) The effective dates of coverage;
- (e) The types of coverage;
- (f) The amounts of the various coverages;
- (g) The applicable limits of liability.

Q. 26. State in detail how the individual driver came to be driving the defendant's vehicle on the day of the accident and state precisely:

- (a) Who owned this vehicle on the day of the accident;
- (b) Whether the vehicle was leased from the owners;
- (c) If leased, whether the lease is in writing;
- (d) If leased, the names, social security numbers, and addresses of the parties to the lease;
- (e) If leased, the consideration for the lease;
- (f) If leased, the purpose of the lease.

Q. 27. State whether the individual defendant was, at the time of the accident which is the subject matter of this action, acting within the scope or course of his employment with any employer.

Q. 28. If so, state:

- (a) The correct legal name of the employer;
- (b) The employer's last known address;
- (c) Whether the employer is qualified to do business or does business in the State of Delaware;
- (d) A description of the individual defendant's job duties;
- (e) A description of the particular function or duty the individual defendant was performing at the time of the accident.

Q. 29. Please state your date of birth.

Q. 30. With respect to your privilege to operate a motor vehicle, state:

- (a) Whether at the time of the accident you had an operator's license and, if so, the State issuing the same;
- (b) The identifying number of such operator's license;
- (c) The type or classification of such operator's license;
- (d) The nature and description of any restrictions thereon at the time of the accident.

Q. 31. Have you ever been convicted of a felony or a misdemeanor involving moral turpitude or crimen falsi?

Q. 32. If so, as to each, please state:

- (a) A description of the nature of the offense, giving the statutory reference;
- (b) The date of sentencing;
- (c) The sentence imposed;
- (d) The plea entered;
- (e) The case number, docket number, or other court identification number of the proceeding;
- (f) The name of the court and jurisdiction.

Q. 33. State in detail your version of how the accident referred to in the complaint occurred.

Q. 34. With reference to each affirmative defense raised by you in your answer or other pleading:

- (a) State in detail what facts known to you form the basis of such allegation;
- (b) Specify with particularity each allegation, stating any and all statutes, ordinances, regulations, or the like you claim plaintiff violated which are not mentioned in your answer or other responsive pleading;
- (c) State the name, social security number, and last known address of each person who has knowledge of the facts upon which is based each affirmative defense, specifying the affirmative defense of which the witness has knowledge.

Q. 35. State whether any person was charged with a violation of any law as a result of this accident, and if so, state:

- (a) The name and address of the person charged;

- (b) The nature of the charge, specifying the statutory reference;
- (c) The court and jurisdiction involved;
- (d) The final disposition of said charge, e.g., guilty plea, conviction after trial, dismissal, etc.

Q. 36. Have you, your attorney, agent, insurance company, or other representative had any surveillance done or made concerning plaintiff?

Q. 37. If so, with respect to each, state:

- (a) The date of such surveillance;
- (b) The name and address of the person conducting the surveillance, as well as the name and address of their employer;
- (c) A detailed description of what was observed during the surveillance;
- (d) Whether or not any records, photographic, written, or otherwise, were made, compiled, or kept during the surveillance;
- (e) The name and address of the person having custody of the original and all copies of said record of surveillance;
- (f) Whether any written report, summary, or resume was made subsequent to said surveillance concerning the same;
- (g) If such a written report, summary, or resume was made, the name and address of the persons having possession of the original and copies of said report.

Q. 38. State whether you claim the accident was caused or contributed to by the conduct or actions of a person or entity other than any named defendant, and if so:

- (a) State the name, social security number, and address of the person or entity;
- (b) Give a description of such conduct or actions;
- (c) State in detail what facts are known to you which form the basis of such contention;
- (d) State the names, social security numbers, and last known addresses of all persons who have knowledge of such facts.

39. State whether you claim the injuries sustained by the plaintiff were caused or contributed to by the conduct or actions of a person or entity other than any named Defendant, and if so:

- (a) State the name, social security number, and address of the person or entity;
- (b) Give a description of such conduct or actions;
- (c) State in detail what facts are known to you which form the basis of such contention;
- (d) State the names, social security numbers, and last known addresses of all persons who have knowledge of such facts.


40. Please list all your cellular telephone numbers and all cellular telephone providers with whom you contracted or used services at the time of the incident which is the subject of this litigation.


41. State the name, web address, and username, for all social media and/or photo sharing websites you are subscribed to, including, but not limited to, YouTube, Facebook, Twitter, Instagram, Snap Chat, MySpace, etc. Please consider this a request to preserve such sites and not remove or delete any content or change the privacy settings. If you have, but no longer subscribe to any of the above, please provide the date you deleted, deactivated, or terminated your account.

42. State the name, web address and username for any blogs or other online content that you subscribe or contribute to. Please consider this a request to preserve such sites and not remove or delete any content or change the privacy settings.

43. Have you since the incident that is the subject of this lawsuit, posted to or written on, or posted photos to or on, Facebook or any social media site, application, or platform, anything about the incident that is the subject of this litigation. If so, provide copies of such posts, writings or photos.

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DATED: 7/5/19



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATHERINE M. WOINSKI,

Plaintiff,

v.

ANDREW C. EMERSON,

Defendant.

* C.A. No.:

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* TRIAL BY JURY

* DEMANDED

PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT

1. Copies of any and all photographs, videotapes, motion pictures, sketches, diagrams, plats, or other drawings taken or prepared by you or on your behalf or in your possession or available to you concerning any aspect of this litigation;

2. Copies of all written or recorded statements or summaries or resumes of interviews taken of any person with respect to any issue in this litigation, including, but not limited to, Plaintiff and/or Defendant;

3. Copies of all reports of investigation, findings of fact or results of inspection, observation of fact or circumstances, of any other matter relating to any aspect of this litigation;

4. Any reports by any person qualifying as an expert containing opinions and/or facts upon which such opinions are based, concerning any aspect of this litigation;

5. Copies of any and all documents, writings, or other items identified in Defendant's answers to interrogatories propounded by the Plaintiff which do not fall within the above request;

6. Copies of any and all other documents or things in your possession or available to you in addition to those items specified in the

foregoing requests which are or may be relevant to any issue in this litigation, including, but not limited to, issues of liability and/or damage;

7. Copies of any and all other documents or things in your possession or available to you in addition to those items specified in the foregoing requests which you intend to rely upon at trial of this matter;

8. Copies of any and all insurance policies, declaration pages, endorsements, and any other documents that identify any insurance coverage that may be applicable to any of the claims of Plaintiff whether such coverage is designated as primary coverage, secondary coverage, excess coverage, reinsurance or by any other term or definition;

9. Copy of your cellular telephone bill for the day of the incident in question.

10. If you are a member of, or belong/contribute to, any social networking website(s), or utilize(d) a blog or website related to your personal activities, interests and/or hobbies, please provide a copy of all such website information as it existed on the date of service of these requests for production. This request includes, but is not limited to: documented copies of screen names, screen profiles, news feeds, profile pictures and/or information, tweets, blurbs, notifications and/or notes.

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DATED: 7/5/19